

REMARKS

Applicant respectfully requests reconsideration of this application as amended. Claims 1-49 are pending in the application. Claims 1-4, 7, 8, 10, 11, 13, 15, 16, 33, 41-44, 46, and 48 have been amended. No claims have been canceled.

In the Office Action, the Examiner rejected claims 1-5, 7-9, 11, 13, 15-20, 22-24, 26, 28, and 32 under 35 U.S.C. §102(e) as being anticipated by Janky et al. (U.S. Patent No. 6,549,942; hereinafter, "Janky"). Note that Applicant reserves the right to swear behind the reference. Applicant respectfully traverses the rejections.

Claim 1 as amended teaches a method including streaming the processed data to an audio playback device. In contrast, Janky does not disclose streaming data to an audio playback device. Janky merely discloses a personal computer ("PC") transferring the processed data to a storage and playback unit ("SPU"). Janky does not suggest or imply streaming the processed data to an audio playback device. Therefore, Janky does not anticipate claim 1 as amended for at least this reason. Applicant respectfully requests the Examiner to withdraw the rejection.

Claims 2-14 depend, directly and indirectly, from claim 1. Therefore, claims 2-14 are not anticipated by Janky for at least the same reason discussed above with respect to claim 1. Applicant respectfully requests withdrawal of the rejections.

Furthermore, claim 5 as amended teaches manipulating the transfer of digital and analog data using a portable electronic device. In contrast, Janky does not disclose manipulating the transfer of digital and analog data using a portable electronic device. The Examiner argued that the portable SPU in Janky is equivalent to the portable electronic device in the present invention as claimed. Applicant respectfully submits that the portable SPU in Janky is distinct from the portable electronic device in claim 5 because the SPU does not manipulate the transfer of digital data between a first device and an audio converter device and analog data between the audio converter device and an audio playback device. The SPU merely downloads audio data to the SPU and plays

back the audio data by itself (Janky, col. 2, lines 46-51). Therefore, Janky does not anticipate claim 5 for at least this reason in addition to the reasons discussed above with respect to claim 1. Applicant respectfully requests withdrawal of the rejection.

For the reasons discussed above with respect to claim 1, Janky does not anticipate claims 15 and 16. Claims 17-32 depend, directly and indirectly, from claim 16. Therefore, Janky does not anticipate claims 17-32 for at least the same reason discussed above with respect to claim 1. Applicant respectfully requests withdrawal of the rejections.

The Examiner rejected claims 6, 14, 21, and 29-49 under 35 U.S.C. §103(a) as being unpatentable over Janky, in view of Adair et al. (U.S. Patent No. 6,424,369; hereinafter, "Adair"). Applicant respectfully traverses the rejections. For the reason discussed above with respect to claim 1, claims 6, 14, 21, and 29-49 are patentable over Janky in view of Adair. Applicant respectfully requests the Examiner to withdraw the rejections.

Furthermore, claims 6, 14, 21, 29, 37, 45, and 49 teach that the portable electronic device is a personal digital assistant ("PDA"). Neither Janky nor Adair discloses that a portable electronic device for manipulating the transfer of both the digital audio data and the analog electrical data is a PDA. However, the Examiner argued that a PDA was well known in the art and it would have been obvious to modify the system in Janky by providing a PDA for receiving or downloading data. Applicant respectfully submits that the PDA in the present invention as claimed is for manipulating audio data transfer between the personal computer and the audio playback device, not receiving or downloading data onto the PDA. In contrast, Adair discloses data transfer of audio signals between the PDA and a PC. Therefore, the PDA in Adair is used in a different way than the present invention as claimed. Furthermore, it is not obvious to combine a PDA with Janky or Adair because neither Janky or Adair provides any motivation to combine a PDA with their disclosure. Therefore, claims 6, 14, 21, 29, 37, 45, and 49 are patentable over Janky in view of Adair for at least this reason in addition to the reason

discussed above with respect to claim 1. Applicant respectfully requests the Examiner to withdraw the rejections.

Furthermore, claim 39 teaches an infrared receiver to receive instructions from a remote controller for the transfer of the analog electrical data to the audio playback device. Claim 42 teaches a remote controller to send instructions to manipulate both the transfer of the digital or analog data. The Examiner admitted that Janky and Adair fail to disclose a remote controller for providing command controls to a receiver for transfer of the audio data. However, the Examiner argued that a remote controller is commonly used, and thus, it would have been obvious to modify the systems in Janky and Adair by incorporating a remote controller outputting command signals to a receiver of the device to transmit data as needed for the purpose of providing the user of the device optimal convenience and freedom of movement when using the device. Applicant respectfully disagrees with the Examiner. Janky does not provide any motivation to combine a remote controller with the computer system disclosed because Janky does not disclose or suggest the need to remotely operate the computer system. Moreover, Adair discloses a hand-held computer. It is respectfully submitted that a hand-held computer is typically not operated by a remote controller because it is unnecessary to use a remote controller to operate a portable computer. Neither Janky nor Adair provides any motivation to one of ordinary skill in the art to combine their disclosed computer system or hand-held computer with a remote controller. Therefore, it would not have been obvious to one of ordinary skill in the art at the time of invention to combine a remote controller with either Janky or Adair. For at least this reason and the reason discussed above with respect to claim 1, Applicant respectfully submits that claims 39 and 42 are patentable over Janky in view of Adair. The Examiner is respectfully requested to withdraw the rejections.

Accordingly, Applicant respectfully submits that the rejections under 35 U.S.C. §102(e) and §103(a) have been overcome by the amendments and the remarks and

withdrawal of these rejections is respectfully requested. It is respectfully submitted that claims 1-49 as amended are now in condition for allowance and such action is earnestly solicited.

Please charge any shortages and credit any overcharges to our Deposit Account No. 02-2666.

Respectfully submitted,  
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Juanita Briscoe 9/25/03 Date